

AGENDA

GOVERNMENT OPERATIONS AND POLITICAL SUBDIVISIONS

INTERIM COMMITTEE

UTAH LEGISLATURE

Wednesday, June 23, 2010 • 2:00 p.m. • Room 30 House Building

Approximate
Time Frame

- 2:00** **1. Committee Business**
- Call to order and welcome
 - Approval of the minutes of the May 19, 2010 meeting
- 2:05** **2. State Building Board Construction Projects -- Division of Facilities Construction and Management (DFCM) - Update**
- DFCM supervises the design and construction of projects approved by the State Building Board. The projects are included in a master plan of structures and a five-year building construction program prepared and updated in cooperation with state institutions, departments, commissions, and agencies (see Section 63A-5-103, Utah Code). DFCM will report on projects on the five-year building program and the estimated cost of these projects, the status of projects funded over the last three years, and how the projects are funded.*
- Gregg Buxton, Director, Division of Facilities Construction and Management
- 2:30** **3. Joint State/Salt Lake City Emergency Operations Center - Preliminary Report**
- 2010 General Session H.B. 3, "Appropriations Adjustments," provides intent language "that the Division of Facilities Construction and Management and the Department of Public Safety cooperate with Salt Lake City to advance preliminary discussions for the programming, design, and costing of a joint Emergency Operations Center..." (see Item 72). H.B. 3 requires DFCM and the Department of Public Safety to report their recommendations and analysis regarding the cost effectiveness and potential operational efficiencies of this potential facility to an appropriate legislative committee by June 30, 2010.*
- Gregg Buxton, Director, Division of Facilities Construction and Management
 - Jim Russell, Project Manager, Division of Facilities Construction and Management
 - Colonel Keith Squires, Deputy Commissioner, Department of Public Safety
 - Helen Langan, Salt Lake City Mayor's representative
- 2:45** **4. Status of a Law While a Local Referendum is Pending**
- The Utah Constitution Article VI allows legal voters, under conditions provided by statute, to "require any law or ordinance passed by the law making body of the county, city, or town to be submitted to voters ... before the law or ordinance may take effect." Utah Code Subsection 20A-7-601(3)(b), however, states that "The local law remains in effect until repealed by the voters via a referendum." How should this apparent conflict be addressed? Should the law or ordinance that is being subject to a local referendum be in effect or not in effect while a local referendum is pending?*
- Joseph Wade, Policy Analyst, Office of Legislative Research and General Counsel
 - Emily R. Brown, Associate General Counsel, Office of Legislative Research and General Counsel
 - David Hogue, former legislator
 - Utah Property Rights Coalition representative
 - Public Comment

3:25 5. Procedures for the Withdrawal of Ballot Proposition

The right of the people to hold an initiative to enact a law or of the people to refer a law passed by a legislative body to legal voters for final passage by referendum, is provided under Utah Constitution Article VI. The Utah Constitution also specifies that the requirements of holding those ballot propositions are to be provided by statute. Title 20A, Chapter 7, "Issues Submitted to Voters," provides requirements for ballot propositions. Procedures for the withdrawal of a ballot proposition are currently not provided by statute. If a ballot proposition qualifies for the ballot, but the need for it changes before the ballot is set, can it be withdrawn? Should the Legislature enact procedures to withdraw a ballot proposition? Who should be able to decide that a ballot proposition is no longer needed or wanted by the signers? Should the original sponsors of the proposition have special standing to withdraw the referendum? Should the courts decide and, if so, under what conditions?

- Emily R. Brown, Associate General Counsel, Office of Legislative Research and General Counsel

3:50 6. Public Hearing and Notice Requirements for Municipal Enterprise Fund Transfers

Utah Code Section 10-6-135 was amended during the 2010 General Session in H.B. 94, "Uniform Fiscal Procedures Act Amendments For Towns, Cities, and Counties Amendments," to clarify public hearing and notice requirements for when a municipality or county that allocates or transfers money "from a utility enterprise fund to another fund that are not reasonable allocations of cost between the funds." The bill took effect May 11, 2010. How do municipalities and counties learn about these kinds of public hearing and notice requirements? How are hearing and notice requirements enforced? What is the role of the State Auditor in enforcement of the requirements? Are penalties needed to encourage compliance? If so, what penalties would be appropriate?

- Austin G. Johnson, Utah State Auditor
- Lincoln Shurtz, Legislative Coordinator, Utah League of Cities and Towns
- L. Brent Gardner, Executive Director, Utah Association of Counties
- Public Comment

4:20 7. Other Items / Adjourn